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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,250	07/19/2001	Rod Mancisidor	WHISPERWIRE-03R	8686
26874	7590	11/28/2007	EXAMINER	
FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			ARAQUE JR, GERARDO	
			ART UNIT	PAPER NUMBER
			3629	
			NOTIFICATION DATE	DELIVERY MODE
			11/28/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dbell@fbtlaw.com
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Office Action Summary	Application No.	Applicant(s)	
	09/909,250	MANCISIDOR ET AL.	
	Examiner	Art Unit	
	Gerardo Araque Jr.	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 June 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8,41-46,51 and 66-82 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8,41-46,51 and 66-82 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1 – 8, 41 – 46, 51, and 66 – 82** are rejected under 35 U.S.C. 102(e) as being anticipated by **McCann et al. (US Patent 5,963,939)**.

4. In regards to **claim 1, McCann** discloses a method for recommending a product using a computer implemented expert system, the method comprising:

utilizing the expert system to determine problem domain information via interaction between a live human agent and a customer (**Col. 1 Lines 26 – 29; Col. 2 Lines 36 – 52**);

utilizing the expert system to determine need information of the customer via interaction between the live human agent and the customer, wherein the need

information relates to telecommunication needs of the customer (**Col. 1 Lines 26 – 29;; Col. 2 Lines 36 – 38, 55 – 59; Col. 3 Lines 1 – 4;**)

inputting the customer need information into the expert system, wherein the act of inputting the customer need information into the expert system is performed by the live human agent (**Col. 3 Lines 1 – 4, 30 – 34;**)

transforming the customer need information into a trait, the trait being characteristic of a telecommunications product of relevance to the customer, the telecommunications product of relevance being selected from a plurality of available telecommunications products (**Col. 3 Lines 39 – 46;**) and

calculating a rating of a telecommunications product within the plurality of available telecommunications products, wherein the act of calculating the rating is performed by the expert system (**Col. 4 Lines 24 – 30.**)

5. In regards to **claim 2, McCann** discloses wherein utilizing the expert system to determine the need information of the customer comprises asking questions provided by the expert system and inputting the customer need information into the expert system via a graphical user interface serviced by an agent computer (**Col. 3 Lines 37 – 46).**

6. In regards to **claim 3, McCann** discloses summarizing the ratings of the plurality of telecommunications products (**Col. 11 – 12 Lines 66 – 6; Col. 12 Lines 25 – 38;**) and

providing explanation of the ratings of the plurality of available telecommunications products (**Col. 11 – 12 Lines 66 – 6).**

7. In regards to **claim 4, McCann** discloses wherein the summary of the ratings of the plurality of available telecommunications products comprises at least one of a recommended solution, a compatible solution, and a not recommended solution (**Col. 3 Lines 18 – 22**).
8. In regards to **claim 5, McCann** discloses wherein the plurality of available telecommunications products comprises a service (**Col. 3 Lines 30 – 34**).
9. In regards to **claim 6, McCann** discloses further comprising communicating the rating from the live human agent to the customer and wherein the calculating the rating of the telecommunications product within the plurality of available telecommunications products is performed in real time (**Col. 1 Lines 26 – 29; Col. 3 Lines 34 – 39**).
10. In regards to **claim 7, McCann** discloses wherein the expert system employs a fuzzy value in calculating the rating of the telecommunications product (**Col. 2 Lines 48 – 52**).
11. In regards to **claim 8, McCann** discloses wherein the expert system employs a crisp value in calculating the rating of the telecommunications product (**Col. 4 Lines 25 – 30**).
12. In regards to **claim 41, McCann** discloses an expert system that is operable for recommending a product, the expert system comprising:
 - a computer network (**Figure 1**);
 - a live human agent interface, communicatively coupled to the computer network, comprising a graphical user interface (**Figure 45**);

a product database communicatively coupled to the computer network that contains a plurality of available telecommunications products, the product database being communicatively coupled to a plurality of providers of the plurality of available telecommunications products thereby allowing updating of the product database in real time (**Col. 2 Lines 64 – 67; Col. 20 Lines 23 – 25**); and

an expert system, communicatively coupled to the computer network, that is operable to rate at least two available telecommunications products within the plurality of available telecommunications products using dynamic calculation and based on a customer need (**Col. 3 Lines 10 – 22; Col. 15 lines 42 – 45**);

wherein the expert system comprises computer executable instructions which allow a live human agent to perform selection of an available telecommunications product from the product database based on the rating of the at least two available telecommunications product during an interaction with a customer (**Col. 3 Lines 10 – 22; Col. 15 Lines 42 – 45**);

wherein the expert system generates output comprising a recommended telecommunications solution and a compatible telecommunications solution and presents the output to the live human agent via the graphical user interface, each of the recommended telecommunications solution and a compatible telecommunications solution being selected from the plurality of available telecommunications products within the product database, the recommended telecommunications solution (**Col. 4 Lines 24 – 30; Figure 50; Figure 51**); and

wherein the recommended telecommunications solution and the compatible telecommunications solution are communicated to the customer in real time after the expert system generates the output (**Col. 3 Lines 30 – 34**).

13. In regards to **claim 42, McCann** discloses wherein at least one of the recommended solution and the compatible solution comprises at least one of a data network solution and an Internet access solution (**Figure 50**).

14. In regards to **claim 43, McCann** discloses wherein the output further comprises an explanation for why the recommended solution was selected by the expert system (**Col. 3 Lines 10 – 22**).

15. In regards to **claim 44, McCann** discloses wherein the expert system employs at least one of a dedicated Internet access guidance engine and a data network guidance engine to rate the at least two available products within the plurality of available products (**Col. 2 Lines 59 – 63; Col. 3 Lines 10 – 22; Col. 4 Lines 20 – 30; Col. 15 Lines 42 – 45; Col. 20 Lines 23 – 25**).

16. In regards to **claim 45, McCann** discloses wherein the graphical user interface is operable to present information concerning at least one of the available products within the plurality of available products to the live human agent (**Figure 50**).

17. In regards to **claim 46, McCann** discloses a plurality of software instructions stored on a media that, upon execution by a processing circuitry, are operable to recommend a product by using an expert system, comprising:

a set of instruction executed by the processing circuitry that determines problem domain information during an interaction between a live human agent and a customer,

wherein the problem domain relates to a telecommunications network configuration
(Col. 1 Lines 26 – 29; Col. 2 Lines 36 – 38);

a set of instruction executed by the processing circuitry that determines need information of the customer during the interaction between the live human agent and the customer, wherein the need information relates to a telecommunications network configuration **(Col. 1 Lines 26 – 29;; Col. 2 Lines 36 – 38, 55 – 59; Col. 3 Lines 1 – 4);**

a set of instruction executed by the processing circuitry that inputs the customer need information into the expert system **(Col. 3 Lines 1 – 4);**

a set of instruction executed by the processing circuitry that transforms the customer need information into a trait, the trait being characteristic of a product of relevance to the customer as determined using expert system processing that is performed by the expert system, the product of relevance being selected from a plurality of available products **(Col. 3 Lines 39 – 46); and**

a set of instruction executed by the processing circuitry that rates a product within the plurality of available products using the expert system, wherein the product comprises a telecommunications network configuration **(Col. 4 Lines 24 – 30).**

18. In regards to **claim 51, McCann** discloses a plurality of software instructions stored on a media that, upon execution by a processing circuitry, are operable to recommend a telecommunications network configuration, comprising;

a set of instruction executed by the processing circuitry that performs expert system processing to rate at least two available products within a plurality of available products using dynamic calculation and based on a customer need, wherein the

products comprise a telecommunications network configuration (**Col. 3 Lines 1 – 22; Col. 15 Lines 42 – 45**);

a set of instruction executed by the processing circuitry that enable a live human agent to respond to a communication of a customer need by accessing the functionality of the expert system processing via the graphical user interface to perform selection of an available product form the product database based on the rating of the at least two available products in real time during an interaction with a customer (**Col. 3 Lines 1 – 22, 30 – 46; Col. 15 Lines 42 – 45**);

a set of instruction executed by the processing circuitry that generates output comprising a recommended solution and a compatible solution and presents the output to the live human agent via the graphical user interface, each of the recommended solution and a compatible solution being selected from the plurality of available products within the product database, the recommended solution having a rating that is higher than the rating of the compatible solution (**Col. 3 Lines 18 – 22, 30 – 46; Col. 4 Lines 24 – 30**); and

a set of instruction executed by the processing circuitry that prompts the live agent with the recommended solution comprising a network configuration and the compatible solution to be communicated to the customer in real time (**Col. 3 Lines 30 – 46**).

19. In regards to **claim 66, McCann** discloses wherein the plurality of available telecommunications products comprises a plurality of telecommunications network configurations (**Col. 3 Lines 1 – 22**).

20. In regards to **claim 67, McCann** discloses wherein the rated telecommunications product comprises a telecommunications network product comprises a telecommunications network configuration (**Col. 3 Lines 1 – 22; Figure 50**).

21. In regards to **claim 68, McCann** discloses a method of providing a network configuration solution to a customer, the method comprising:

utilizing an expert system to obtain information from a customer regarding product needs of the customer via interaction between a live human agent and the customer (**Col. 1 Lines 26 – 29; Col. 2 Lines 36 – 38, 55 – 59; Col. 3 Lines 1 – 4**);

presenting an interface allowing the live human agent to enter the information into a computer system, wherein the computer system comprises the expert system (**Col. 3 Lines 1 – 4**);

processing the information, wherein the act of processing is performed by the expert system within the computer system (**Col. 3 Lines 39 – 46**);

producing at least one product solution, wherein the at least one product solution is produced by the expert system within the computer system, wherein the act of producing at least one product solution is performed in accordance with the entered and processed information (**Col. 3 Lines 1 – 22**);

presenting the at least one product solution to the human agent, wherein the act of presenting that at least one product solution to the live human agent is performed by the computer system (**Figure 50**); and

presenting at least a portion of the at least one product solution produced by the expert system to the customer, wherein the act of presenting at least a portion of the at

least one product solution to the customer is performed by the live human agent (**Col. 3 Lines 30 – 34**).

22. In regards to **claim 69, McCann** discloses wherein the act of processing comprises using fuzzy logic to product at least on product solution (**Col. 2 Lines 48 – 52**).

23. In regards to **claim 70, McCann** discloses wherein the act of processing comprises using heuristics to product at least one product solution (**Col. 2 Lines 48 – 52**).

24. In regards to **claim 71, McCann** discloses further comprising presenting a plurality of product solutions to the customer (**Col. 3 Lines 1 – 22**).

25. In regards to **claim 72, McCann** discloses wherein each product solution of the plurality of product solutions is qualified by a ranking selected from a plurality of rankings (**Col. 4 Lines 24 – 30**).

26. In regards to **claim 73, McCann** discloses wherein the plurality of rankings comprise recommended, compatible, and not recommended (**Col. 3 Lines 18 – 22**).

27. In regards to **claim 74, McCann** discloses further comprising providing a script to the live human agent, wherein the act of providing a script is performed by the expert system via the computer system (**Col. 3 Lines 30 – 46**).

28. In regards to **claim 75, McCann** discloses wherein the provided script relates to the act of obtaining information from the customer (**Col. 3 Lines 30 – 46**).

29. In regards to **claim 76, McCann** discloses wherein the script comprises one ore more questions for the live human agent to ask the customer (**Col. 3 Lines 30 – 46**).

30. In regards to **claim 77, McCann** discloses wherein the customer has no direct interaction with the expert system (**Col. 3 Lines 1 – 7**).
31. In regards to **claim 78, McCann** discloses wherein the needs of the customer comprise telecommunications needs (**Col. 3 Lines 1 – 22**).
32. In regards to **claim 79, McCann** discloses wherein the at least one product solution comprises a telecommunications network configuration solution (**Col. 3 Lines 30 – 46**).
33. In regards to **claim 80, McCann** discloses wherein at least a portion of the needs of the customer are represented as data points (**Col. 3 Lines 39 – 46; Col. 6 Lines 37 – 47; Col. 11 Lines 24 – 42; Col. 12 Lines 34 – 38; Col. 15 Lines 42 – 45; Col. 35 – 36 Lines 65 – 4**).
34. In regards to **claim 81, McCann** discloses wherein that at least a portion of the needs of the customer are represented as data points by the live human agents during the act of entering the information into the computer system (**Col. 3 Lines 39 – 46; Col. 6 Lines 37 – 47; Col. 11 Lines 24 – 42; Col. 12 Lines 34 – 38; Col. 15 Lines 42 – 45; Col. 35 – 36 Lines 65 – 4**).
35. In regards to **claim 82, McCann** discloses wherein the at least a portion of the needs of the customer are represented as data points by the expert system during the act of processing the information (**Col. 3 Lines 39 – 46; Col. 6 Lines 37 – 47; Col. 11 Lines 24 – 42; Col. 12 Lines 34 – 38; Col. 15 Lines 42 – 45; Col. 35 – 36 Lines 65 – 4**).

Response to Arguments

36. Applicant's arguments with respect to **claims 1 – 8, 41 – 46, 51, and 66 – 82** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found in the PTO-892 Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

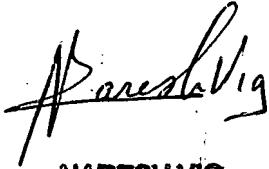
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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